



US Army Corps
of Engineers®

Nashville District

Public Notice

Public Notice No. 04-82

Date: December 3, 2004

Application No. 200402108

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214
Attn. Floyd M. Carnes

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF ALABAMA

SUBJECT: Proposed Sewer Force Main Crossing at Roseberry Creek Mile 2.1, Right Bank, Tennessee River Mile 382.5, Right Bank, Guntersville Lake, Jackson County, Alabama.

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the Alabama Department of Environmental Management (ADEM) pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Scottsboro Water Works, Sewer and Gas Board
404 East Willow Street
Scottsboro, Alabama 35768

LOCATION: Roseberry Creek Mile 2.1, Right Bank, Tennessee River Mile 382.5, Left Bank, Guntersville Lake, Jackson County, Alabama. (USGS LANGSTON, ALA. Quadrangle; Longitude: 86-3-0.8; Latitude: 34-36-37.5)

DESCRIPTION: The proposed work consists of installing a 12" diameter ductile iron sewer force main to serve Goose Pond Island. The crossing would be approximately 880 feet in length. The normal summer pool of Guntersville Lake is Elevation 595.0 and the lake bottom at the crossing is Elevation 587.0. The applicant proposes to place the force main in a trench two feet below existing lake bottom. The trench would be backfilled with crushed stone. The lake bottom would be returned to preconstruction grade.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The proposed work has been categorically excluded from environmental documentation by 33 CFR Part 325 Appendix B, Paragraph 6, which became effective on March 6, 1988. An Environmental Assessment or Environmental Impact Statement could be required if extraordinary circumstances with substantial environmental effects are revealed during the public interest review process.

An archeological survey was performed by the applicant, which yielded no archeological findings. The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

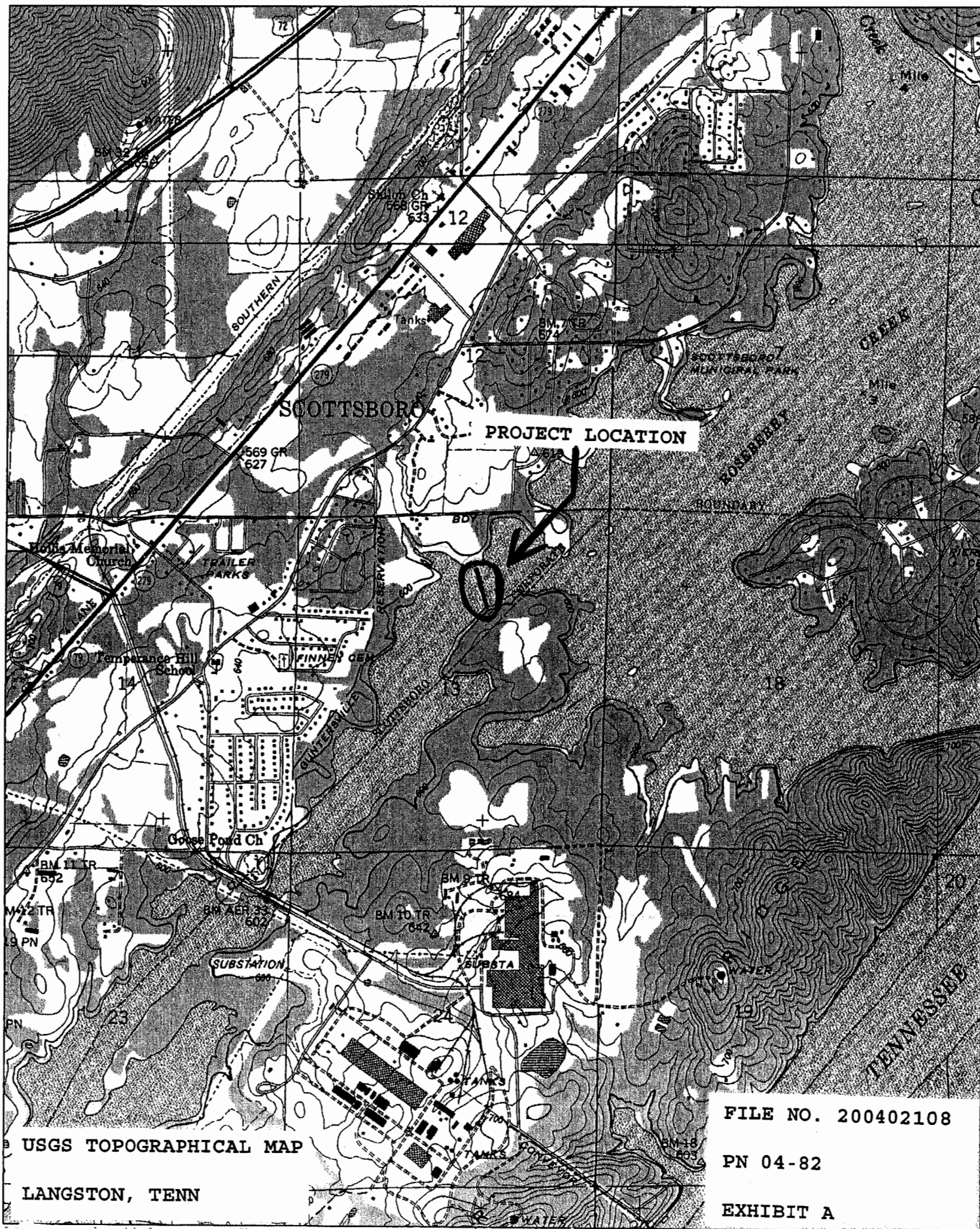
Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of

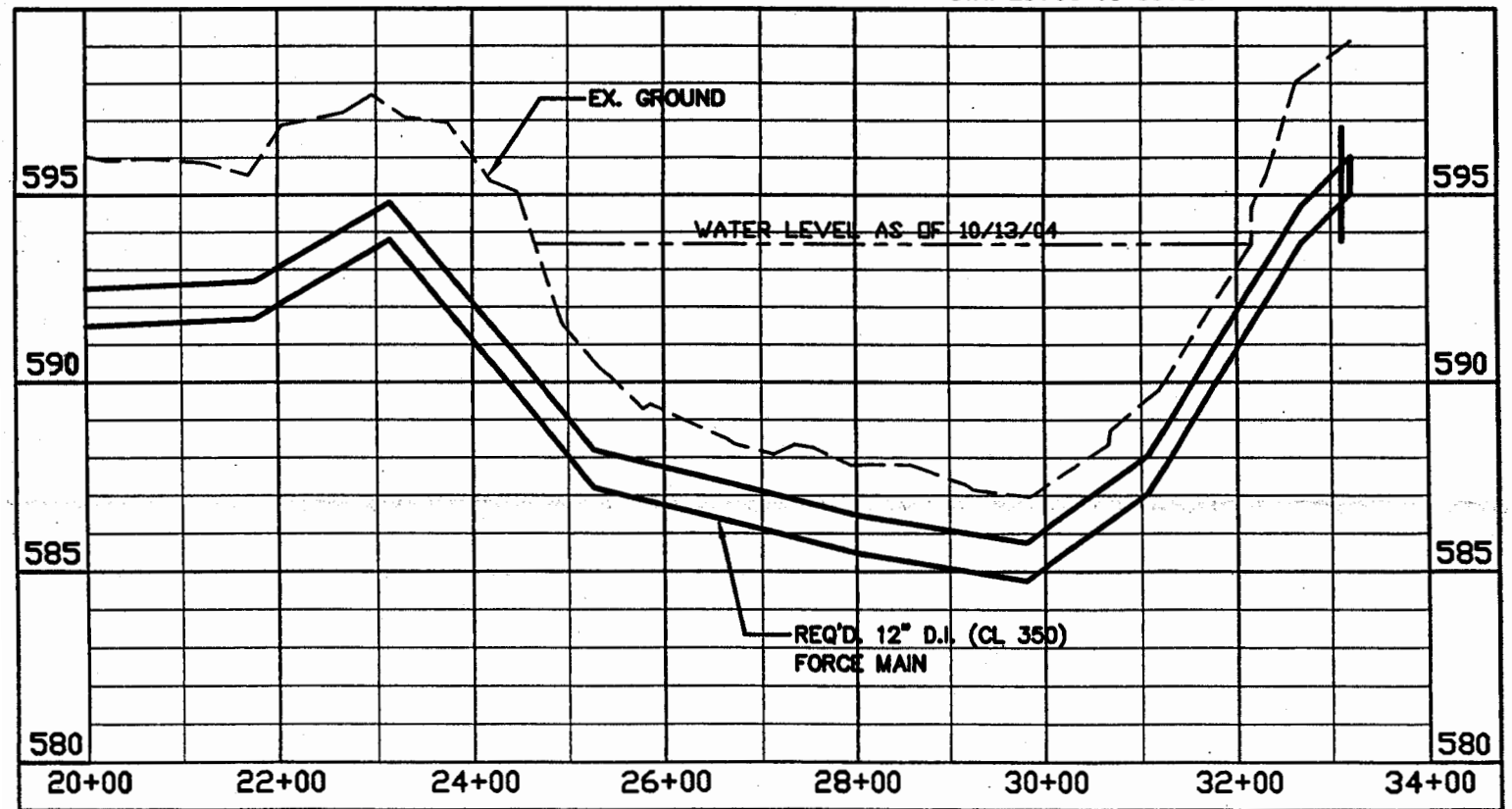
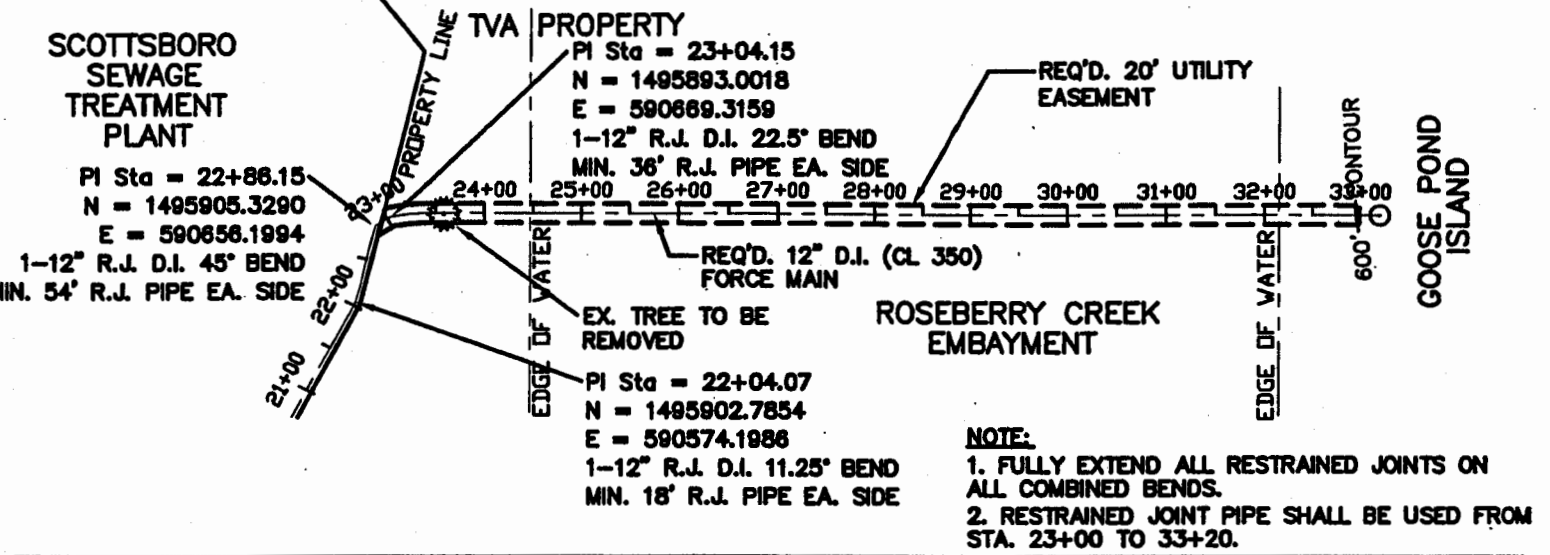
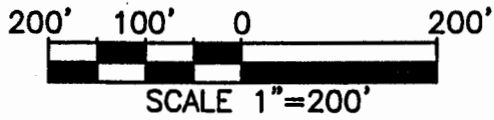
formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

In addition to the DA permit, the TVA permit, and water quality certification, other federal, state, and/or local approvals may be required for the proposed work. In addition to other provisions of its approval, TVA requires the applicant will employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **January 3, 2005**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. Joel Williams, Project Leader, Guntersville Lake Reservation, 3696 Alabama Highway 69, Guntersville, Alabama 35976, telephone (256) 571-4294. Questions concerning water quality certification can be directed to Ms. Lee Anne Potts, ADEM, P.O. Box 301463, Montgomery, Alabama 36130, telephone (334) 394-4308.

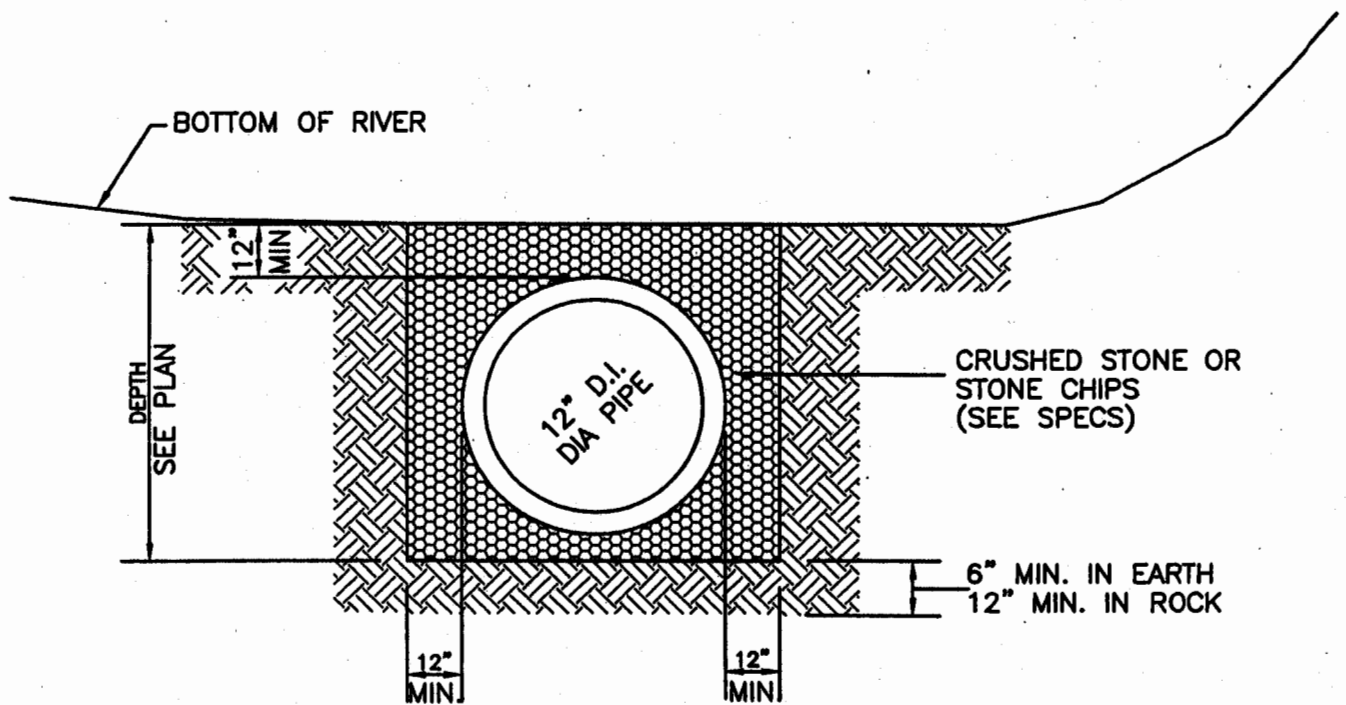




FILE NO. 200402108

PN 04-82

EXHIBIT B



SUBAQUEOUS PIPE TRENCH

NOT TO SCALE

FORCE MAIN BEDDING DETAILS

FILE NO. 200402108

PN 04-82

EXHIBIT C